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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES, LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

SCOTT NEWBERGER,

Defendant.

Adv. Pro. No. 10-04611(SMB)

**TRUSTEE'S REQUEST FOR JUDGMENT BY DEFAULT**

To: CLERK OF THE COURT  
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Judgment by Default against Defendant Scott Newberger, pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055(b)(1) of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule for the Southern District of New York 7055-2(a), for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

**WHEREFORE**, the Trustee respectfully requests that this Court grant the Trustee's Request for Judgment by Default in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York  
January 6, 2017

Respectfully submitted,

Of Counsel:

**BAKER & HOSTETLER LLP**

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*/s/ Nicholas J. Cremona*

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and the Estate of Bernard L. Madoff*